

**THE FALKIRK COUNCIL  
LICENSING BOARD**

**GENDER EQUALITY SCHEME 2007 – 2010**

## **1 Introduction**

1.1 The Sex Discrimination Act 1975 as amended (“the Act”) allied with the Sex Discrimination (Public Authorities) (Statutory Duties) (Scotland) Order 2007 (“the Order”) confers a statutory general duty on certain public bodies to demonstrate fair treatment of women and men in the delivery of policy and services as well as in employment. Falkirk Licensing Board (“the Board”) is one of those public bodies. It is the aim of this general duty to make equality central to the way public bodies work and to put it at the heart of policy-making, service delivery and employment practices. The Order requires that when carrying out its functions the Board must:

- promote equality of opportunity between men and women; and
- eliminate unlawful discrimination and harassment

1.2 In their guidance to Scottish Local Authorities, the Equal Opportunities Commission (“EOC”) defines unlawful discrimination as:

- direct and indirect discrimination against women and men, in employment and education, in goods, facilities and services and in the exercise of public functions;
- harassment, sexual harassment and discrimination on the grounds of pregnancy and maternity leave;
- discrimination on the grounds of gender reassignment in employment and vocational training;
- direct and indirect discrimination in the employment field on the grounds that a person is married or a civil partner;
- victimisation as a result of raising, intending to raise a complaint or acting as a witness or giving evidence in support of someone raising a complaint.

1.3 The purpose of this document is to inform citizens, licensees, applicants for licences and partner bodies of the Board’s proposed actions to promote gender equality and to ensure that it meets the requirements under the Act and the Order.

1.4 As part of the legislative framework there is a requirement to gather information on the effect of policies and practices on gender equality and in particular:

- the extent to which they promote equality between male and female staff, and
- the extent to which the services provided and the functions performed take account of the needs of men and women.

The Board itself does not employ anyone. Those carrying out work for the Board are employed by Falkirk Council and will, therefore, be considered under the Council's own equality scheme. The Board is aware of the Council's equality scheme which incorporates gender equality and, in particular, those provisions relating to employment matters and training of employees and, indeed, the training of elected members.

- 1.5 The Gender Equality Scheme identifies the Board's commitment to equality and how the Board will continue to work to promote it, with others as necessary.
- 1.6 The Gender Equality Scheme highlights how the Board will build on what has been achieved to date and where it or others have identified areas where more can be done. The Board also wishes to learn from the best practice demonstrated by others.
- 1.7 The Board's Gender Equality Scheme is a realistic plan, setting out its arrangements for meeting its general and specific duties in terms of gender equality. Its aim is to help to eliminate unlawful discrimination and harassment and to promote equality.
- 1.8 The details of the Gender Equality Scheme are given in Section 4 and the Action Plan for the scheme is attached (Appendix B).

## **2 Falkirk Licensing Board**

- 2.1 The Board is established under the Licensing (Scotland) Act 1976 as amended by the Licensing (Scotland) Act 2005 and deals with the administration of liquor licensing and certain other statutory duties. It comprises ten members, who are elected members of Falkirk Council and are appointed to the Board by the Council.
- 2.2 All income received by the Board from the fees for applications is transferred to the Council. The Council has a duty to provide a venue for the meetings of the Board and meet all necessary expenses in respect of the proceedings of the Board.
- 2.3 In carrying out its business, the Board must have due regard to equality matters and in this regard has had in place a Race Equality Scheme for a number of years. The Board has also recently adopted a Disability Equality Scheme under the Disability Discrimination Act 2005. The Gender Equality Scheme provides a further opportunity for the Board to ensure that it acts in a way which is consistent with good equalities practice. In doing so, it will work closely with partner organisations including Central Scotland Police, Central Scotland Fire and Rescue Service, the Falkirk Licensing Forum and Falkirk Council. It will also continue to work with licence holders, applicants for licences and those who have complaints about licensed premises.

### **3 Developing the Gender Equality Scheme**

- 3.1 The Board has adopted the following underlying principles in developing the Gender Equality Scheme:
- involvement of licence holders and organisations concerned with gender equality in the development of the scheme
  - assessment of current functions and policies to establish their relevance to gender equality
  - identification of improvement actions according to the principle of proportionality – attention to be focused on those functions or policies that have the most effect on gender equality or difficulties which might potentially arise in that respect.
- 3.2 This approach recognises the requirements of the general duty as expressed in the Equal Opportunities Commission's Code of Practice. The overall objective is to identify desired outcomes to promote gender equality. This will allow service provision to be improved in order to achieve this. These outcomes have directly informed the contents of the Gender Equality Scheme action plan to improve service provision in respect of gender equality.

#### **Stakeholder Involvement**

- 3.3 The involvement of those who have dealings with the Board such as licensees, applicants for licences and the general public using licensed premises is fundamental to meeting the Board's gender equality duties. This approach will be developed to provide best practice across all parts of the Gender Equality Scheme actions.
- 3.4 The Board will, as a first step towards creating its Gender Equality Scheme, involve licensees and organisations concerned with gender equality by inviting them to respond to a questionnaire and the scheme. This will give them the opportunity to influence the content of the Scheme and to raise specific issues that the Board should address in its Action Plan.
- 3.5 Delivery of the Gender Equality Scheme action plan over the next three years will seek to involve these groups and organisations plus any that may emerge during the lifetime of the Gender Equality Scheme.
- 3.6 One of the first actions that the Board will need to undertake is to establish that it is dealing with the correct individuals and organisations concerned with gender equality.

## **Assessment of relevance of Board functions, policies and processes to Gender Equality**

- 3.7 As the Board's functions are well defined in terms of the legislation under which it operates and as they all relate to the regulation of licensed premises of one sort or another, the Board considers that all of its functions are relevant to gender equality. It follows, therefore, that all of its policies and processes are relevant as well. These may range from the format of application forms to the way in which complaints are handled. A fuller list of the Board's functions is attached at Appendix A.

## **Review the effectiveness of current service delivery**

- 3.8 As mentioned above, a questionnaire will be issued seeking views on what aspects of service delivery could be improved in respect of gender equality. The questionnaire will also seek views in respect of disability equality and race equality. Any matters raised in connection with gender will be taken into account in an early review of the Gender Equality Scheme and Action Plan.

## **4. Gender Equality Scheme**

- 4.1 The Gender Equality Scheme confirms how the Board will meet its obligations under the relevant gender equality legislation. It highlights the importance the Board attaches to eliminating discrimination and promoting equality of opportunity between men and women. The Board will seek to increase the involvement of service users with a specific interest in gender equality in the development of its policies.
- 4.2 The Board will ensure that the information it provides promotes gender equality. This will cover application forms, Licensing Board reports, policy documents, leaflets and posters etc as well as materials on the Licensing web site.
- 4.3 The Action Plan attached at Appendix B shows the steps that the Board will take in identifying and dealing with issues relevant to gender discrimination. Progress of the Action Plan will be monitored on an ongoing basis and there will be a formal annual review of it.
- 4.4 Licensed premises, as providers of goods, facilities or services to the public, are, themselves, subject to the terms of the Act. This includes the requirement that premises should be accessible on a gender equal basis. The same is true for the provision of goods and services in these premises. In considering applications for new licences the Board will, therefore, wish to ensure that these obligations will be discharged.



**LICENSING BOARD FUNCTIONS**

The Board accepts and determines all applications for:-

- (a) Liquor licences in terms of the Licensing (Scotland) Act 1976 as amended by the Licensing (Scotland) Act 2005
  - (b) Gaming licences in terms of the Gaming Act 1968 as amended,
  - (c) Gaming machine permits for public houses and hotels in terms of Schedule 9 to the Gaming Act 1968 as amended, and
  - (d) Betting office licences, betting agency permits and bookmakers' permits in terms of the Betting, Gaming and Lotteries Act 1963 as amended
  - (e) Gambling Act 2005
- 5.2 The Board considers complaints in respect of licensees and/or their premises. Where necessary it holds hearings with a view to resolving the complaint. This can result in the suspension of a licence, the reduction in hours the licensee can operate or some less severe remedy.
- 5.3 The Board makes a number of decisions in terms of liquor licensing affecting the day to day management or hours of operation of premises licensed for the sale of alcohol.

<b>FALKIRK COUNCIL LICENSING BOARD</b> <b>GENDER EQUALITY SCHEME</b> <b>ACTION PLAN</b>		
<u>OUTCOME</u>	<b>ACTION</b>	<b>TIMESCALE</b>
1 Information provided by the Board is appropriate and in a suitable format.	Review application forms and guidance notes. Review information on Licensing website.	2007/2008  2007/2008
2 Board policies are compliant with its gender equality obligations.	Review of Board policies.	2007/2008
3 All new Board policies will be compliant with its gender equality obligations.	Each new proposed policy will be assessed against the Board's gender equality obligations. Any report proposing the adoption of a new policy will indicate what that assessment was.	2007 - 2010
4 Organisations concerned with gender equality will be involved in the work of the Board and in setting standards for any necessary improvements.	Contact the most relevant agencies and groups concerned with gender equality and establish with them the best way in which they can be involved in taking forward the Scheme and Action Plan.	2007/2008